

# JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD

## RULE 2 AIR POLLUTION CONTROL

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Amended 9/11/06, Effective 10/03/06

**RULE OF THE  
JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD  
RULE 2  
AIR POLLUTION CONTROL**

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Part I - General Provisions 2.101 2.102 2.103 2.104 2.105 2.106 2.107 2.108 2.109 2.110	Part I - General Provisions      NO CHANGE
Part II 2.201 (Adopts 62-204 FAC)	Part II 2.201 (Adopts 62-204 FAC)      AMENDED
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Part IX 2.901 Air Pollution Episodes - Local Rules	Part IX 2.901	NO CHANGE
Part X 2.1001 (Adopts 62-296 FAC)	Part X 2.1001 (Adopts 62-296 FAC)	AMENDED
Part XI 2.1101 (Adopts 62-297 FAC)	Part XI 2.1101 (Adopts 62-297 FAC)	NO CHANGE
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**RULES OF THE  
JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD**

JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD  
RULE 2

AIR POLLUTION CONTROL

PART I  
GENERAL PROVISIONS

**2.101           Definitions**

In this rule, unless the context otherwise requires:

- A.     The definitions included in Chapters 62-4, 62-204, 62-210, 62-252, and 62-256, Florida Administrative Code, are adopted and incorporated in this rule by reference, except that:
  - 1.     the word Department means the Environmental Resource Management Department.
  - 2.     the word Secretary means the Director of the Environmental Resource Management Department.
- B.     Board means the Jacksonville Environmental Protection Board.
- C.     Department means the Environmental Resource Management Department, City of Jacksonville.
- D.     Division means the Environmental Quality Division of the Environmental Resource Management Department. [History: Effective 3/18/85, Amended 1/10/93, Amended 12/19/94, Amended 9/11/95, Amended 11/12/96, Amended 6/8/98, Amended 10/11/04].

**2.102           Authority and Intent**

The Jacksonville Environmental Protection Board adopts these rules as the City's standards with respect to air pollution control. The specific Authority for adopting these rules is found in Section 100.201, Section 362.104(c) and Section 73.102, Ordinance Code. The law implemented is Chapter 362, Ordinance Code. The Board intends that where any locally more stringent provision conflicts with a provision of the Florida Administrative Code adopted by reference, the locally more stringent provision shall apply. [History: Formerly EPB Rule 2 Preface; Effective 3/18/85; Amended and renumbered 1/10/93]

### **2.103 Severability**

The provisions of these air pollution control rules are severable. If one or more of the provisions should be invalidated, the Board intends that the other portions should become effective or remain in effect. [History: Formerly EPB 2.104, Effective 3/18/85; Renumbered 1/10/93]

### **2.104 Registration and Reports**

A person engaging in an activity or operation which is or may be a source of air pollution shall register with the Department and file reports with the Department at or within times and as required by the Board or the Department. [History: Formerly S.362.103(a), City Ordinance Code; EPB 2.105; Effective 3/18/85; Amended and renumbered 1/10/93]

### **2.105 Maintenance of Pollution Control Devices**

Air pollution control devices and systems shall be properly and consistently maintained in order to maintain emissions in compliance with the standards of the Board. [History: Formerly S.362.103, City Ordinance Code; EPB 2.108; Effective 3/18/85; renumbered 1/10/93]

### **2.106 General Restrictions**

No plant or source shall operate at capacities which exceed the limits of operation of control devices or exceed the capability of the plant or control devices to maintain the air pollution emissions within the limitations imposed by this rule or by permit conditions. [History: Formerly S.362.106, City Ordinance Code; EPB 2.109; Effective 3/18/85; renumbered 1/10/93]

### **2.107 Air Pollution Prohibited**

No person shall cause or permit the discharge or emission of air pollutants from an installation in quantities prohibited by law, by the rules of the State Department of Environmental Protection or by the rules of the Board. [History: Formerly S.362.201, City Ordinance Code; EPB 2.201; Effective 3/18/85; renumbered 1/10/93, Amended 12/19/94]

### **2.108 Enforcement**

This rule shall be enforced by the Department in accordance with the provisions of Chapters 360 and 362, Ordinance Code. [History: New, Effective 1/10/93]

### **2.109 Investigations - Right of Entry**

Inspections and investigations made to determine compliance with the provisions of this rule shall be made in accordance with the provisions of Section 360.109, Ordinance Code, and Board Rule 1, Part VIII. [History: New, Effective 1/10/93]

### **2.110 Penalties and Injunctive Relief**

Violations of this rule shall be punishable by civil penalties specified in Chapter 360, Part 7, Section 362.110, Ordinance Code; and to injunctive relief as provided in Section 360.407, Ordinance Code. [History: New, Effective 1/10/93]

**PART II**  
**AIR POLLUTION CONTROL - GENERAL PROVISIONS**

**2.201**

Chapter 62-204, Florida Administrative Code, is adopted and incorporated in this rule by reference as the City's general provisions for air pollution control. [History: Effective 1/10/93, Amended 12/19/94, Amended 9/11/95, Amended 11/12/96, Amended 6/08/98, Amended 11/08/99, Amended 9/11/00, Amended 08/13/01, Amended 08/12/02, Amended 11/10/03, Amended 10/11/04, Amended 6/13/05, Amended, 9/11/06.] Note: The rules covered by this part were previously adopted by reference under former EPB rule sections 2.601, 2.801, 2.901 and 2.902.

**PART III**  
**STATIONARY SOURCES - GENERAL REQUIREMENTS**

**2.301**

Chapter 62-210, Florida Administrative Code, is adopted and incorporated in this rule by reference as the City's general requirements for stationary sources. [History: Effective 1/10/93, Amended 12/19/94, Amended 9/11/95, Amended and renumbered 11/12/96, Amended 6/08/98, Amended 11/08/99, Amended 08/13/01, Amended 08/12/02, Amended 11/10/03, Amended 6/13/05, Amended 9/11/06.] Note: The rules covered by this part were previously adopted by reference under former EPB rule section 2.201.

**PART IV**  
**STATIONARY SOURCES - PRECONSTRUCTION REVIEW**

**2.401**

Chapter 62-212, Florida Administrative Code, is adopted and incorporated in this rule by reference as the City's preconstruction review requirements for stationary sources. [History: Effective 1/10/93, Amended 12/19/94, Amended 9/11/95, Amended and renumbered 11/12/96, Amended 6/08/98, Amended 9/11/00, Amended 9/11/06.] Note: The rules covered by this part were previously adopted by reference under former EPB rule section 2.301.

**PART V**  
**OPERATION PERMITS FOR MAJOR SOURCES OF AIR POLLUTION**

**2.501**

Chapter 62-213, Florida Administrative Code, is adopted and incorporated in this rule by reference as the City's operation permit requirements for major sources of air pollution. [History: New, Effective 12/19/94, Amended 9/11/95, Amended and Renumbered 11/12/96, Amended 6/08/98, Amended 11/08/99, Amended 08/13/01, Amended 08/12/02, Amended 11/10/03.] Note: The rules covered by this part were previously adopted by reference under former EPB rule section 2.1202.

**PART VI  
GASOLINE VAPOR CONTROL**

**2.601**

Chapter 62-252, Florida Administrative Code, is adopted and incorporated in this rule by reference as the City's gasoline vapor control standards. [History: Effective 1/10/93, Amended 12/19/94, Amended and renumbered 11/12/96] Note: The rules covered by this part were previously adopted by reference under former EPB rule section 2.401.

**2.602 Expanded Stage I Controls in Duval County**

- A. The applicability criteria of Paragraph 62-252.300(1), FAC notwithstanding, all gasoline dispensing facilities in Duval County regardless of monthly throughput, shall be subject to emission limiting standards and control technology requirements as set forth in 62-252.300(2), FAC except that gasoline storage tanks with less than 1000 gallons capacity are exempt from this requirement.
- B. Gasoline dispensing facilities in existence in Duval County upon the effective date of this rule, and not previously subject to 62-252.300, FAC, shall install Stage I vapor recovery control technology at the time of any vehicular fuel petroleum storage tank system replacement or upgrade, other than spill containment as shown in Table UST, Section 62-761.510 (See Appendix A). Gasoline dispensing facilities built after the effective date of this rule shall be subject to Section 2.402 A. upon construction.
- C. Gasoline tank trucks or trailers used to deliver gasoline to any facility subject to section 2.602 must be equipped as required in Section 62-252.300, FAC.
- D. Stage I vapor recovery control technology required by this rule shall conform with equipment specifications pursuant to "Design Criteria for Stage 1 Vapor Control Systems at Gasoline Service Stations." United States Environmental Protection Agency, Research Triangle Park, NC, November, 1975. Copies are available for review in the offices of the Air and Water Quality Division, Regulatory & Environmental Services Department, City of Jacksonville. [History: Formerly EPB 2.207 B, Effective 10/22/92; Amended and Renumbered 1/10/93, Amended 12/19/94, Amended 9/11/95, Amended and renumbered 11/12/96 , Amended 11/08/99] Note: The rules covered by this part were previously adopted by reference under former EPB rule section 2.402.

**CHAPTER 62-761.510 TABLE UST**

**Appendix A**

<u>Year Tank or Integral Piping Installed</u>	<u>1989</u>	<u>1992</u>	<u>1995</u>	<u>1998</u>	<u>2004</u>	<u>2009</u>
<u>+Before 1970</u>	<u>O</u>	<u>B</u>		<u>ACFL</u>	<u>D</u>	<u>E</u>
<u>+1970 - 1975</u>		<u>SBL</u>		<u>ACF</u>	<u>D</u>	<u>E</u>
<u>+1976 - 1980</u>		<u>B</u>	<u>SL</u>	<u>ACF</u>	<u>D</u>	<u>E</u>
<u>+1981 - 09/01/84</u>		<u>B</u>		<u>ACFL</u>	<u>D</u>	<u>E</u>
<u>+09/02/84 B 06/30/92 B</u>			<u>ACFL</u>	<u>D</u>	<u>E</u>	
<u>+Other*</u>	<u>B</u>		<u>ACFL</u>	<u>D</u>	<u>E</u>	

Key to Table UST

\* = All systems with a capacity between 110 gallons and 550 gallons, all marine fueling facilities as defined in Section 376.031, F.S., and those systems of greater than 550 gallon capacity that use less than 1,000 gallons per month or 10,000 gallons per year.

A =

(1) Small diameter piping that was protected from corrosion by June 30, 1992, shall have:

(a) For pressurized piping, line leak detectors with automatic shutoff, or flow restriction in accordance with Rule 62-761.640(3)(d), F.A.C.; or

(b) For suction integral piping:

1. Secondary containment in accordance with Rule 62-761.500(1)(e), F.A.C.;

2. A single check valve installed in accordance with Rule 62-761.610(4)(a)3.,

F.A.C.;

3. An annual line tightness test in accordance with Rule 62-761.610(4)(a)1., F.A.C.;

or

4. External monthly monitoring or release detection in accordance with Rule 62-761.610(4)(a)1.b., F.A.C.

(2) Bulk product piping in contact with soil shall be upgraded with secondary containment unless the piping is:

(a) Constructed of corrosion resistant materials or upgraded with cathodic protection;

and

(b) Tested on an annual basis in accordance with API RP 1110, ASME B31.4, or an equivalent method approved by the Department in accordance with Rule 62-761.850, F.A.C.

B = Vehicular fuel petroleum storage tank systems shall be upgraded with spill containment.

C = Secondary containment in accordance with Rule 62-761.500(1)(e), F.A.C., shall be required for the following:

(1) Concrete storage tanks;

(2) Hazardous substance storage tank systems; and

(3) For pollutant storage tank systems, the storage tank or small diameter piping not protected from corrosion by June 30, 1992.



D =

(1) Secondary containment shall be installed for small diameter piping extending over surface waters.

(2) Secondary containment for remote fill-pipes associated with Category-A and Category-B systems.

E = Pollutant storage tanks and small diameter piping protected from corrosion on or before June 30, 1992, and all manifolded piping, shall be upgraded with secondary containment.

F =

(1) Storage tank systems, excluding vehicular fuel petroleum storage tank systems, shall be upgraded with spill containment, dispenser liners (as applicable), and overfill protection.

(2) Unless contained within secondary containment, swing-joints and flex-connectors that are not protected from corrosion shall be protected from corrosion. Facilities that have pressurized small diameter piping and that have not met the foregoing standard on or before July 13, 1998 shall protect the submersible turbine pump from corrosion or provide corrosion protection for the submersible turbine pump if the pump is not installed within secondary containment. Corrosion protection is not required for the submersible turbine pump riser.

L =

(1) Category-A USTs and their integral piping systems that contain vehicular fuel, and that are not protected from corrosion, shall have secondary containment, or be upgraded with secondary containment in accordance with Rule 62-761.500, F.A.C.

(2) Dispenser liners and overfill protection equipment shall be installed at UST Category-A systems containing vehicular fuel.

O = UST Category-A vehicular fuel storage tank systems subject to Chapter 17-61, F.A.C.,(1984), shall be retrofitted for corrosion protection.

S = Secondary containment for storage tanks and integral piping not protected from corrosion.

**PART VII  
OPEN BURNING AND FROST PROTECTION FIRES**

**2.701**

A. Declaration and Intent.

(1) The Department finds and declares that the open burning of materials outdoors and the use of outdoor heating devices result in or contribute to air pollution. The Department further finds that regulation of open burning and outdoor heating devices will reduce air pollution significantly.

(2) It is the intent of the Department to require that open burning be conducted in a manner, under conditions, and within certain periods that will reduce or eliminate the deleterious and noisome effect of air pollution caused by open burning.

(3) It is the intent of the Department to phase out, over a period of years, open burning of certain unapproved material and heating devices which are presently being used for crop protection against frost and freezing and to require that only materials and heating devices which emit a minimum of air pollution be used.

(4) The Department finds that certain fuels release less air pollution when burned than do other fuels. Therefore, the Department intends to approve fuels which contribute only a minimum of air pollution and allow their use for cold or frost protection and to phase out, over a period of years, all fuels which do not meet Department specifications.

(5) The Department finds that there are several alternative disposal methods for pesticide containers that are environmentally preferable to open burning. It is the intent of the department that individuals seeking to dispose of pesticide containers as provided in this chapter consider recycling, landfilling, on-site burial, and incineration prior to engaging in open burning.

B. Definitions.

The following words, phrases, or terms when used in this chapter shall, unless the content otherwise indicates, have the following meanings:

(1) "Air curtain incinerator" is a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain. An air curtain incinerator is controlled burning as defined in Florida Administrative Code Rule 62-701.300(3).

(2) "Air pollution" is the presence in the outdoor atmosphere of the state of any one or more substances or contaminants in quantities which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

(3) "Air pollution episode" is any occurrence of elevated levels of pollutants in the atmosphere which require hasty and unusual abatement action.

(4) "Approved fuel" shall mean fuel approved by the Department to emit or release a minimum of pollutants when burned.

(5) "Clean dry wood" means wood (including lighter pine), lumber or tree and shrub trunks, branches, and limbs which are free of paint, pentachlorophenol, creosote, tar, asphalt, or other wood preservatives and which when burned does not emit excessive visible emissions.



- (6) "Department" is the Environmental Resource Management Department.
- (7) "Department air stagnation advisory" is a temporary prohibition of open burning activities by the Department that is based upon a Department forecast of a stagnant atmospheric meteorological condition that does not allow the dispersion of air pollutants.
- (8) "Excessive visible emissions" are air pollutants emitted in such quantity as to obscure an observer's view to a degree equal to or greater than Number Two (or 40% opacity) on the Ringelmann Smoke Chart as published in the U.S. Bureau of Mines Information Circular No. 7718.
- (9) "Extinguished" means the absence of any visible flames, smoke or emissions.
- (10) "Garbage" means all kitchen and table food waste, animal or vegetative waste that is attendant with or results from the storage, packaging, preparation, cooking or handling of food materials.
- (11) "Group I containers" means combustible containers which formerly contained organic or metallo-organic pesticides, except organic mercury, lead, cadmium, or arsenic compounds.
- (12) "Land clearing debris" is uprooted or cleared vegetation resulting from a land clearing operation and does not include yard trash.
- (13) "Land clearing operation" means the uprooting clearing of vegetation in connection with construction for buildings, rights-of-way, residential, commercial, or industrial development, or the initial clearing of vegetation to enhance property value; but does not include the maintenance burning of yard trash resulting from fallen limbs, branches, or leaves, or any other routine property clean-up activities.
- (14) "National Weather Service air stagnation advisory" is an advisory issued by the National Weather Service to caution local and regional agencies of meteorological conditions which are conducive to poor dispersion and that are expected to persist for at least 36 hours.
- (15) "Non-rural land clearing" is any land clearing operation that is conducted in urban or residential areas, incorporated or unincorporated cities or towns, or in any nonrural areas as designated by the Department and shall not include any land clearing operation that is associated with country, livestock or with agricultural activities.
- (16) "Nuisance" means any open burning activity which is potentially harmful or injurious to human health or property or which is annoying or offensive to occupants of three or more occupied residences.
- (17) "Open burning" means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney.
- (18) "Open field" means any location in a well ventilated cleared area that is at least 200 feet in all directions from any wooded area or occupied building(s), and 100 feet from any public road.
- (19) "Outdoor heating device" means any apparatus, machine, equipment, or other contrivance in which is burned any type of fuel capable of producing air pollution, used outdoors for the purpose of giving protection from cold or frosts.
- (20) "Pesticide" means any substance or mixture substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses or fungi on or in living man or other animals, which the Department of Agriculture and Consumer Services shall declare to be a pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

(21) "Residential land clearing" is a land clearing operation that is conducted by the homeowner or an individual contracted by the homeowner of an existing residential dwelling of not more than two family units for the purpose of initially clearing vegetation on the property.

(22) "Sunset" is official sunset as set forth by the U.S. Naval Observatory (tables are available at National Weather Service offices).

(23) "Trash" means construction or demolition debris, and other debris such as paper, cardboard, cloth, glass, street sweepings, vehicle tires and other like matter.

(24) "Waste pesticide containers" means any containers made of combustible materials, including but not limited to paper, plastic, or burlap, which formerly contained pesticides and which the manufacturer or formulator provided as an end user conveyance for the specified product.

(25) "Yard trash" means vegetative matter resulting from landscaping and yard maintenance operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps.

### C. Prohibitions.

(1) Any open burning not specifically allowed by this chapter or by Florida Administrative Code Chapter 5I-2 is prohibited. No person shall ignite, cause to be ignited, permit to be ignited, any material which will result in any prohibited open burning as defined in this section; nor shall any person suffer, allow, burn, conduct or maintain any prohibited open burning. The Division of Forestry or any authorized fire control agency empowered by law or ordinance to extinguish unlawful burning may extinguish or cause to be extinguished, any fire that is unauthorized or does not comply with this rule. Any person responsible for unlawful open burning shall bear any applicable costs involved in extinguishing the fire.

(2) No person shall use or operate any outdoor heating device or burn any unapproved fuel for cold or frost protection except as provided in this chapter.

(3) The open burning of tires, rubber material, Bunker C residual oil, asphalt, roofing material, tar, railroad cross ties, other creosoted lumber, plastics except for polyethelene black plastic mulch used in agriculture, garbage, or trash other than yard trash and household paper products is prohibited. Open burning of yard trash and household paper products is prohibited except as provided in Florida Administrative Code Rule 62-256.700(1). Open burning of waste pesticide containers is prohibited except as provided in Florida Administrative Code Rule 62-256.700(6).

(4) Any open burning that is allowed by this chapter such as the burning of waste pesticide containers, yard trash, and land clearing debris is restricted to the site where the material was generated and may not be transported to another property to be open burned, with the following exceptions:

(a) Land clearing debris that is generated by the commercial land clearing activities of a person may be transported offsite to be burned by an Air Curtain Incinerator that is owned or operated by that person and without a Florida Administrative Code Rules 62-210 air pollution permit provided that it:

1. Will be transported to property that is owned or leased by the person who generated the land clearing debris, and

2. Meets a setback distance of 300 feet from occupied buildings for Air Curtain Incinerators with vertical refractory-lined walls and with forced underdraft air, or

3. Meets a setback distance of 1000 feet from occupied buildings for all other Air Curtain Incinerators.

(b) Land clearing debris generated from the activities of one or more persons may be transported offsite to be burned by an Air Curtain Incinerator with an appropriate Department air pollution permit.

(5) Open burning within one thousand (1000) feet of any active runway of a Department of Transportation approved public airport is prohibited. The Division of Forestry or any fire control agency authorized by law or ordinance to extinguish unlawful burning may extinguish or cause to be extinguished, any open burning that is within one thousand (1000) feet of an active airport runway that reduces or potentially reduces visibility at the airport.

(6) Open burning in particulate and ozone nonattainment areas as specified in Florida Administrative Code Rule 62-275 or in the area of influence as defined in Florida Administrative Code Rule 62-296 may be temporarily suspended when the Department determines that ambient air concentrations of total suspended particulate or ozone may near or exceed the primary or secondary standards for these pollutants.

(7) No open burning may be conducted during a National Weather Service Air Stagnation Advisory, a Department Air Stagnation Advisory, an Air Pollution Episode, or if the Division of Forestry determines that weather conditions are unfavorable for safe burning.

(8) Open burning which reduces visibility on public roadways to less than one thousand (1,000) feet is prohibited.

(9) Nothing in this chapter may be construed to allow open burning which violates other laws, rules, regulations, or ordinances.

#### D. Agricultural and Silvicultural Fires.

Pursuant to section 8 of the Florida Environmental Reorganization Act, Chapter 75-22, Laws of Florida, 1975, this section has been transferred to the State of Florida Department of Agriculture and Consumer Services, Division of Forestry. (See Chapter 5I-2, Florida Administrative Code.)

#### E. Burning for Cold or Frost Protection.

(1) Intent. The purpose of this rule is to allow the use of open burning and outdoor heating devices to prevent damage to agricultural products from cold and frost in a manner which provides the maximum protection to the quality of the ambient air in Florida. Furthermore, this rule will minimize air pollution by restricting the use of open fires and outdoor heating devices to times and temperatures when absolutely necessary to prevent cold damage.

(2) Approval. Open burning or the use of outdoor heating devices for frost or cold protection in connection with agricultural operations is allowed, provided the fuel and the heating device used have approval from the Environmental Regulation Commission prior to use, or have been authorized by the Secretary pursuant to Florida Administrative Code Rule 62-256.450(4).

(a) The following fuels are approved for use:

1. No. 2 diesel fuel
2. No. 2 fuel oil
3. Propane gas
4. Alcohol (ethanol or methanol)

5. Butane
6. Liquid petroleum gas
7. Petroleum coke
8. Charcoal
9. Clean dry wood
10. Methane

(b) The following heating devices are approved for use:

1. Spot heater – Spot heaters
2. HY-LO Return Stack – Scheu Products Company
3. HY-LO Large Cone – Scheu Products Company
4. Brader Heater – Brader Heaters, Inc.
5. Georges Heater – Georges Enterprises, Inc.
6. Agri-Heat Heater – Agri-Heat, Inc.
7. A conical heater – Fulton-Cole Seed Company
8. Orchard-Rite Heater – Orchard Rite, Ltd.
9. "Return Stack" 2000 used heaters approved for W. H. Clark Fruit Co.
10. Radiant Omni-Heater – New Draulics, Inc.
11. HY-LO Lazy Flame Heater – Scheu Products Company
12. Sun Heater Model 2 – Fleming-Troutner Agricultural Heating, Inc.
13. Self Vaporizing Model M. B. S.-1 – Burners, Inc.
14. HY-LO Auto Clean Stack – Scheu Products Company
15. Mobil Tree Heat – Mobil Oil Corporation
16. Fireball – Sebring Forest Products

(c) Criteria for approval of new fuels:

Any person desiring to have a fuel approved for frost protection related open burning shall submit a petition to the Environmental Regulation Commission requesting that such fuel be added to Florida Administrative Code Rule 62-256.450(2)(a). The petition shall contain the following information:

1. Name, address, and telephone number of applicant;
2. Trade name or other designation of fuel;
3. Chemical composition of fuel;
4. The composition and quantity of air contaminants given off per unit of fuel; and
5. The expected rate of use of the fuel.

(d) Criteria for approval of new outdoor heating devices:

Any person desiring to have an outdoor heating device approved shall submit a petition to the Environmental Regulation Commission requesting that such device be added to Florida Administrative Code Rule 62-56.450(2)(b). The petition shall contain the following information:

1. Name, address and telephone number of applicant;
2. Trade name or other designation of the device;
3. Brief description of the device;
4. Type of fuel that is used in the device;
5. The composition and quantity of air contaminants; and
6. Evidence that the device does not emit more than five-tenths gram per minute of unconsumed solid carbonaceous matter or particulate matter.

(3) Operating Conditions. Open burning of approved fuels and the use of approved outdoor heating devices for frost or cold protection in connection with agricultural operations shall be in accordance with the following requirements:



(a) Open fires or outdoor heating devices for the protection of agricultural crops from cold or frost shall not be ignited until the ambient temperature drops to 32° F, except as provided in subsection (b), below.

(b) Open fires or outdoor heating devices for the protection of subtropical fruit, crops, and foliage such as mangos, papayas, etc., may be ignited at temperatures above 32° F if the threshold temperature for cold damage for that plant is higher.

(c) Temperature measurement for cold and frost protection burning shall be measured using a Standard Cotton Region Shelter or a Standard Fruit Frost Station.

(4) Exceptions.

(a) Although Florida Administrative Code Rule 62-256.450(1) through (3) are intended to provide adequate measures to conserve fuel, protect the atmosphere, and allow for protection of agricultural crops, hard to predict circumstances may require exceptions to this section. Therefore, the Secretary is authorized to grant exceptions and allow the use of heating devices and fuels not included on the published list in the event of prolonged cold weather and shortage of approved fuels.

(b) Exceptions may be granted to persons who possess approved heating devices and who had possessed sufficient approved fuels for at least 20 hours of burning provided that:

1. More than a total of 20 hours of temperatures of 25° F or lower has occurred during the season;

2. Sufficient approved fuels and clean dry wood are not available for adequate protection from cold or frost;

3. The burning of unapproved fuel is necessary to prevent irreparable damage to agricultural crops;

4. There is no forecast of a condition which might cause an air pollution episode as defined by Florida Administrative Code Rule 17-211.

(c) The Secretary shall make a public declaration and disseminate it to the news media when it is determined that an exception is necessary. The declaration shall include the following:

1. A list of the fuels that can be used and the conditions under which they can be used.

2. The pollution potential and possible adverse health effects.

(d) In no case shall the Secretary allow the burning of Bunker C residual oil, tires, rubber materials, asphalt, tar, railroad cross ties, other creosoted materials, or plastics, as fuel.

#### F. Land Clearing.

The following rules apply to non-rural land clearing open burning:

(1) Open burning of wooden material or vegetation generated by a land clearing operation (except for agricultural, silvicultural, or forestry operations) or the demolition of a structure is allowed provided that all of the following conditions are met:

(a) The open burning meets one of the following setback requirements:

1. Three hundred (300) feet or more away from any occupied building for residential land clearing, or

2. Three hundred (300) feet or more away from any occupied building if an Air Curtain Incinerator is used, or

3. One thousand (1,000) feet or more away from any occupied building if an Air Curtain Incinerator is not used.

(b) The open burning is setback one hundred (100) feet or more away from any public highway or road and the prevailing winds direct the smoke away from the public highway or road.

(c) The open burning is ignited after 9:00 a.m. and is extinguished one hour before sunset.

(d) The open burning is attended at all times.

(e) The open burning authorized herein is not intended to relieve any person from complying with any other applicable law, rules, or ordinances, including Chapter 590, Florida Statutes, and rules of the Division of Forestry.

(f) The piles of materials to be burned shall be of such size that the burning will be completed within the designated time given in paragraph 62-256.500(1)(c). This is not intended to relieve any person from complying with restrictions on size and numbers of piles imposed by the appropriate local fire control authorities.

(g) The moisture content and composition of the material to be burned shall be favorable to good burning which will minimize air pollution. Wet or green vegetative materials shall not be burned.

(h) The starter fuel and materials to be ignited shall not emit excessive visible emissions when burned. Tires or other prohibited materials listed in Florida Administrative Code Rule 62-256.300 shall not be used as starter fuels.

(i) The amount of dirt in a land clearing open burning operation shall be minimized to enhance combustion and reduce emissions.

(j) Prior to open burning for the demolition of a structure, all insulation, electrical wiring, linoleum, carpeting, roofing material such as tar paper and asphalt shingles, or other excessive smoke producing or potentially air toxic material shall be removed.

(2) The use of Air Curtain Incinerators is allowed for the combustion of land clearing debris. No Department permits are required for air curtain incinerators that are designed and used as portable units and that will not operate on any one site for more than six months in any year. This does not relieve any person from the requirement of obtaining authorization to use a portable Air Curtain Incinerator, when necessary, from the Division of Forestry, or any local fire control authority. Air Curtain Incinerators may operate as portable units provided that the following conditions are met:

(a) Pit width, length, and side walls shall be properly maintained so that the combustion of the waste within the pit will be maintained at an adequate temperature and with sufficient air recirculation to provide enough residence time and mixing for complete combustion and control of emissions. Pit width shall not exceed twelve (12) feet, and vertical side walls shall be maintained.

(b) No waste may be positioned to be burned above the level of the air curtain in the pit.

(c) The types of materials to be burned are restricted to land clearing debris. The Department shall authorize upon request the burning of wastes consisting only of clean dry wood used as defined in subsection 62-256.200(5), F.A.C.

(d) Excessive visible emissions are not allowed except for a period of up to 30 minutes during startups and shutdowns, as those terms are defined in Florida Administrative Code Rule 62-296.

(3) Air Curtain Incinerators that are intended to be stationary units, i.e. continuously operate at one site for more than six months, or operate at any Department-permitted landfill, must obtain a Department air pollution permit pursuant to Florida Administrative Code Rule 62-210.

(4) If the open burning resulting from a land clearing operation is creating a nuisance, or if changing weather or atmospheric conditions create a real or potential fire safety or air pollution problem, the Department may suspend or defer open burning until conditions change.

(5) Exceptions to the setback requirements shall be granted by the Department if the applicant obtains a signed statement from every affected resident within the setback area who waives his objections to the open burning associated with the land clearing operation. Statements must be received by the Department 48 hours in advance of the burning.

(6) Notwithstanding the provisions of Florida Administrative Code Rules 62-256.300(4)(a)2., 62-256.500(1)(a)2. and 62-256.500(1)(c), refractory-lined air curtain incinerators with forced underdraft air may commence burning at sunrise and may be charged until sunset, provided they maintain a setback distance of 1000 feet from occupied building located off-site and do not create a nuisance. During such times as the air curtain incinerator is not in operation, public access to the air curtain incinerator shall be restricted.

#### G. Industrial, Commercial, Municipal, and Research Open Burning.

(1) Open burning in connection with industrial, commercial, or municipal operations is prohibited, except when the open burning is determined by the Department to be the only feasible method of operation and prior approval is obtained from the Department, or when an emergency exists which requires immediate action to protect human health and safety, or in connection with county or municipal operations to burn hurricane, tornado, fire, or other disaster generated yard trash using an Air Curtain Incinerator as specified in Florida Administrative Code Rule 62-256.500(2).

(2) Open burning and the use of outdoor heating devices which are essential to a research project are allowed provided prior approval is obtained from the Department.

(3) The application for approval under this section shall include the following:

- (a) The name, address, and telephone number of the person submitting the application;
- (b) The type of business or activity involved;
- (c) A description of the proposed equipment and operating practices, the type, quantity, composition and amount of air contaminants to be released to the atmosphere;
- (d) The schedule of burning operations, if known;
- (e) The exact location of requested open burning;
- (f) If applicable, reasons why no method other than open burning is feasible; and
- (g) Evidence that the proposed open burning has been approved by the fire control authority which has jurisdiction.

(4) Nothing herein shall relieve any person from complying with any other applicable laws, rules and ordinances, including Chapter 590, Florida Statutes, and rules of the Division of Forestry.

(5) The Department shall approve such operations or research projects only on specified conditions which protect the ambient air from pollutants and contaminants to the greatest extent, and may limit the approval to a specified time.

#### H. Open Burning Allowed.

(1) Open burning to reduce yard trash and household paper products generated on occupied residential premises of not more than two family units is allowed in ozone attainment areas as specified in Florida Administrative Code Chapter 62-275 without Department authorization provided that all of the following conditions are met:

(a) The open burning does not produce smoke, soot, odors, visible emissions, heat, flame, radiation, or other conditions to such a degree as to create a nuisance.

(b) The open burning is one hundred (100) feet or more from any occupied building other than that owned or leased by the individual doing the burning and fifty (50) feet or more from any public highway or road and is ignited after 9:00 a.m. and is extinguished one hour before sunset providing that no visible smoke will be allowed over any adjacent residence or over the road that would cause a nuisance. These setback requirements apply in counties that are not specifically listed in 62-256.700(1)(c).

(c) The open burning is three hundred (300) feet or more from any occupied building other than that owned or leased by the individual doing the burning and one hundred (100) feet or more from any public highway or road and is ignited after 9:00 a.m. and is extinguished one hour before sunset providing that no visible smoke will be allowed over any adjacent residence or over the road that would cause a nuisance. The requirements in this section apply in the following counties: Dade, Broward, Pinellas, Hillsborough, Palm Beach, Duval, Orange, Polk, Brevard, Volusia, Escambia, Lee, Sarasota, Pasco, Seminole, Alachua, Manatee, Leon, Marion, Okaloosa, Lake, Bay, St. Lucie, and Collier.

(d) The open burning is fifty (50) feet or more from any residence on the property where the burning is being conducted.

(e) The open burning is attended and adequate fire extinguishing equipment is readily available at all times.

(f) The moisture content and composition of material to be burned shall be favorable to good burning which will minimize air pollution. Green or wet materials may not be burned.

(g) The open burning is not prohibited by any local, county, municipal, or other governmental rule, regulation, law, or ordinance.

(h) The open burning is enclosed in a noncombustible container or ground excavation covered by a metal mesh or grill, and is setback at least 25 feet from any woodlands, forest, or brush.

(2) Open burning to reduce yard trash generated on occupied residential premises of not more than two family units in areas that are designated as non-attainment or maintenance areas for ozone as defined in Florida Administrative Code Rule 62-2 is allowed if a municipal, county or commercial solid waste collection service for yard trash is not available on a periodic basis of at least once a week. Prior authorization shall be obtained from the Department. The open burning must comply with all of the conditions contained in Florida Administrative Code Rule 62-256.700(1), and does not relieve any person from complying with any other applicable laws, rules and ordinances, including Chapter 590, Florida Statutes, and rules of the Division of Forestry.

(3) A camp fire, bonfire, or other fire will be allowed that is used solely for recreational purposes, for ceremonial occasions, for outdoor noncommercial preparation of food, or on cold days for warming of outdoor workers, as long as excessive visible emissions are not emitted.

(4) Open burning for the flaring of waste gases is allowed for reasons of safety, as long as excessive visible emissions are not emitted.

(5) Open burning is allowed for the instruction and training of organized fire fighters or industrial employees under the supervision of the appropriate public fire control official provided that:

(a) The burning activities are conducted by a full-time municipal fire control agency in accordance with the National Fire Protection Association document, "Live Fire Training Evolutions in Structures (NFPA 1403)," as revised February 10, 1992, and hereby adopted and incorporated by reference as the accepted practice for fire training instruction. Nothing herein shall be construed as relieving any person from complying with any other applicable laws, rules and ordinances, including Chapter 590, Florida Statutes, and rules of the Division of Forestry.

(b) The Division of Forestry, the Department, and local fire control officials are notified in advance of the time and place of the burning exercise.

(6) Subject to all of the following conditions, waste pesticide containers may be burned in open fields by the owner of the crops, the owner's authorized employee or caretaker, or by commercial pesticide applicators hired by the owner or caretaker.

(a) Plastic containers must be the original container provided by the pesticide manufacturer or formulator as end user conveyance for the specific product, and not reused containers designed for other products.

(b) Containers must be classified as Group I Containers and bear label instructions stating that small quantities of the containers may be burned in open fields by the user of the pesticide when such open burning is permitted by State and local regulations.

(c) The quantity of containers to be burned each day per parcel treated shall not exceed the amount accumulated during one day's use of pesticide. No more than 500 pounds of pesticide containers shall be burned per day at any specific location. If more than one fire is to be set in any area each specific burning location shall be at least 1,000 yards from each other location at which burning will occur concurrently.

(d) All Group I Containers which are to be disposed by open burning shall be completely empty and free of residual material pursuant to the following criteria:

1. Plastic containers including inner liners shall be triple rinsed with the same kind of solvent used to dilute the spray mixture in the field. The rinse liquids from the containers shall be added to the spray mixture in the field.

2. Paper containers shall be emptied by a final shaking and tapping of the sides and bottom to remove clinging particles. All loosened particles shall be added to the spray mixture or application in the field.

(e) The open burning shall meet the following conditions:

1. The open burning does not produce smoke, soot, odors, visible emissions, heat, flame, radiation, or other conditions to such a degree as to create a nuisance.

2. The open burning is two hundred feet or more away from any farm workers or occupied buildings and is one hundred feet or more away from any public road.

3. The fire is ignited after 9:00 A.M. and is extinguished one hour before sunset of the same day.

4. The person responsible for the burning is in attendance at an upwind location from the fire for the entire period of the burn (until all flame and smoke have dissipated).

5. The open burning is enclosed in a noncombustible container or ground excavation covered by a metal grill.

6. Nothing herein shall relieve any person from complying with any other applicable laws, rules and ordinances, including Chapter 590, Florida Statutes, and rules of the Division of Forestry.

[History: New, Effective 11/03/04. Note: The rules covered by this part were previously adopted and incorporated by reference in this part.]

**PART VIII  
AMBIENT AIR QUALITY STANDARDS FOR  
AGGREGATE REDUCED SULFUR (ARS)**

**2.801**

A. General

1. Intent. This rule limits ground level concentrations of ARS. Persons subject to this rule may also be subject to the requirements of Total Reduced Sulfur (TRS) emission limiting standards for Kraft pulp mills and to Best Management Practices requirements for odorous substances. Nothing in this rule shall, in any manner be construed as authorizing or legalizing the creation or maintenance of an objectionable odor or an odor nuisance pursuant to Ordinance 88-117-123.
2. Exemptions. The limits of this rule shall not apply to emissions emanating from materials odorized for safety purposes.
3. Definitions. "Aggregate Reduced Sulfur" (ARS) means the sum of sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, dimethyl disulfide and all other reduced sulfur species which are oxidized to sulfur dioxide (SO<sub>2</sub>) as measured by methods prescribed in Section 2.801 C. below.

B. Standard

1. Prohibitions and Restrictions. No person shall build, erect, construct or implant any new source; operate, modify or rebuild any existing source; or by any other means release or take action which would result in the release of ARS compounds into the atmosphere which would result in ground level concentrations greater than the ambient ARS standard established under Section 2.801 B.2. on any property at or beyond the property limits of the premises occupied and used by the person responsible for the emission into the atmosphere.
2. Aggregate Reduced Sulfur Standard established. The maximum ground level concentration of ARS shall not exceed 55 parts per billion (ppb) averaged over any three consecutive minutes.
3. Calculations. The standard shall be calculated on a three minute rolling average basis, rounding the arithmetic mean of all measurements to the nearest part per billion. In determining exceedances of the standard, any sequential set of measurements may be used only once to calculate an exceedance.

C. ARS Ambient Air Quality Monitoring Methodology.

1. Purpose. This section specifies the monitoring method which must be used in ARS ambient air quality monitoring stations.
2. ARS Air Monitoring Station (ARS AMS). Unless otherwise provided in this section, a monitoring method used in a ARS AMS must use two sulfur dioxide (SO<sub>2</sub>) automated reference or equivalent method (continuous analyzers) as defined in Title 40, Part 50, Section 1, Code of Federal Regulations (CFR).
3. Applicability. This method provides a measurement of the concentration of ARS in ambient air for determining compliance with the ARS ambient air quality standard as specified in Section 2.801 B.2. above. The method is applicable to the measurement of ambient ARS concentrations using an averaging period of 3 minutes.
4. Principle.
  - a. The ARS continuous monitor consists of a thermal oxidation furnace and two SO<sub>2</sub> automated reference or equivalent analyzers. A thermal oxidizer converts ARS compounds to SO<sub>2</sub>.
  - b. The sample gas stream is first split into two equal channels using a teflon union tee. One channel is analyzed directly in a SO<sub>2</sub> automated reference method analyzer for SO<sub>2</sub> content. The second channel is directed through a quartz tube housed within a high temperature ceramic oven. The quartz oven chamber is designed to provide retentions, at maximum flow rate (1.5 l/min.), well in excess of the recommended minimum (0.1 sec.) for oxidation.

For ARS applications, a temperature range between 800 and 950EC is used. At lower retention times or lower temperature, dimethyl sulfide (DMS) and dimethyl disulfide (DMDS) are not oxidized. If the temperature is too high, SO<sub>2</sub> will be oxidized to SO<sub>3</sub>.

For ARS applications, a temperature range between 800 and 950EC is used. At lower retention times or lower temperature, dimethyl sulfide (DMS) and dimethyl disulfide (DMDS) are not oxidized. If the temperature is too high, SO<sub>2</sub> will be oxidized to SO<sub>3</sub>.

After the ARS compounds have been oxidized to SO<sub>2</sub>, the cumulative SO<sub>2</sub> is then monitored by the second SO<sub>2</sub> automated reference method analyzer. The SO<sub>2</sub> measured in the second channel is the sum of the SO<sub>2</sub> ambient gas concentration and the SO<sub>2</sub> converted from ambient ARS gases as a result of oxidation in the thermal oxidation furnace. The difference between the ambient SO<sub>2</sub> concentration monitored in channel one and the cumulative SO<sub>2</sub> concentration monitored in channel 2 is ambient ARS.

5. Range. The lower limit of detection of the SO<sub>2</sub> analyzers must be 1.0 ppb and operated on a range of 0 to 100 ppb. The SO<sub>2</sub> analyzers may be used on a higher range if they have been designated as a reference or equivalent method on the range being used.
6. Calibration, Operation, Maintenance and Quality Assurance.
  - a. Either of two methods may be used for dynamic multi point calibration of SO<sub>2</sub> analyzers. One method uses a single certified standard cylinder of SO<sub>2</sub> gas, diluted as necessary with zero air or N<sub>2</sub>, to obtain the various calibration concentrations needed. The other method uses an SO<sub>2</sub> permeation gas standard generator. The SO<sub>2</sub> emitted from the standard generator is diluted with zero air or N<sub>2</sub> to produce SO<sub>2</sub> concentrations suitable for calibration of the SO<sub>2</sub> analyzers.
  - b. The SO<sub>2</sub> gaseous standard must be as prescribed in Title 40, Part 58, Appendix A, Section 2.3.1, Code of Federal Regulations.
  - c. The Department's quality assurance program, which has been approved by the EPA Regional Administrator, describes in detail the operation, calibration and maintenance of the SO<sub>2</sub> analyzer and the Department's EPA approved quality assurance program is as prescribed in Title 40, Part 58, Appendix A, Section 2.0, Code of Federal Regulations.
  - d. The data quality assessment requirements shall be the same as those used in the state and local air monitoring station (SLAMS), defined in Title 40, Part 58, Section 1, Code of Federal Regulations, except that the accuracy of the SO<sub>2</sub> analyzers shall be determined from the following ranges:

<b>AUDIT LEVEL</b>	<b>CONCENTRATION RANGE PPB</b>
1	15-20
2	35-45
3	80-90

The precision of the SO<sub>2</sub> analyzer shall be determined from audit level one (1).

- e. For determining exceedances of the standards, only data collected while the monitor was stationary will be considered.
- D. New Source Review Criterion. No new, modified or rebuilt air pollution source shall be permitted or constructed whose predicted maximum one-hour ground level concentration of ARS exceeds 15 parts per billion (ppb), as determined by mathematical dispersion models approved by the Department except that sources subject to NSPS shall be exempt from this new source review criterion.
- E. Action When Standard Exceeded.
- 1. Corrective Action. If a measurement of any sample shows that the ground level concentrations are greater than the ARS standards established, the Department shall take appropriate action to determine the reason for and if possible, the source of the excess ARS. The Jacksonville Environmental Protection Board will also determine whether further source-specific controls or Best Management Practice Rules are necessary.
  - 2. Enforcement. A measurement that shows that the ARS standard has been exceeded may be used to begin investigation into an emission or an odor which may be an objectionable odor or an odor nuisance, as defined by Chapter 376, Ordinance Code. Evidence discovered as a result of that investigation may lead to enforcement action, pursuant to  $\text{§}376.110$  and  $\text{§}376.111$ , Ordinance Code. However, such a measurement may not be used as evidence in that enforcement action.
- F. Effective Date. This amendment shall become effective twenty (20) days after the date it is submitted to the office of the City Council Secretary. [History: Formerly EPB 2.303; Effective 10/27/88, Amended 12/20/88, Amended and renumbered 1/10/93, Amended and Renumbered 11/12/96] Note: The rules covered by this part were previously adopted under former EPB rule section 2.602.

**PART IX  
AIR POLLUTION EPISODES**

**2.901 Air Pollution Episode - Local Rules**

**A. City-Wide Episode Control Plans**

The Department shall prepare appropriate city-wide episode control plans to reduce air pollution levels based upon the plans submitted by sources of pollutants as required in JEPB Rule 2.104. The objective of the plans shall be to bring about a diminution of the particular air contaminants by curtailing the operations of industrial, business or other activities, the conduct of which is essential to the health and welfare of the community.

**B. Episode Alert**

In the event that an exceedance of the ambient air quality standards, as defined in JEPB Rule 2.201, is reached, the Department shall notify the following persons:

- A. Mayor.
- B. Public Health Officer.
- C. Regional and State officers, State Department of Environmental Protection.
- D. Board Members.
- E. Local public official and public safety personnel having responsibilities or interests in air pollution.
- F. Air pollution sources which require alert data in order to execute emergency control plans.
- G. General public, through available media of communication.

**C. Coordination**

Upon notification of a high air pollution episode, the Department will coordinate monitoring and enforcement activities with the State Department of Environmental Protection if the State Department of Environmental Protection elects to participate. [History: Formerly S. 362.405 - S. 362.408, Ordinance Code, EPB 2.405 - 2.408; Effective 3/18/85; Amended and Renumbered 1/10/93, Amended 12/19/94, Amended and renumbered 11/12/96]. Note: The rules covered by this part were previously adopted under former EPB rule section 2.702.

**PART X**  
**STATIONARY SOURCES - EMISSION STANDARDS**

**2.1001**

Chapter 62-296, Florida Administrative Code, is adopted and incorporated in this rule by reference as the City's emission standards for stationary sources. [History: Effective 1/10/93, Amended 12/19/94, Amended 9/11/95, Amended and renumbered 11/12/96, Amended 6/08/98, Amended 11/08/99, Amended 9/11/06.] Note: The rules covered by this part were previously adopted by reference under former EPB rule section 2.901.

**PART XI**  
**STATIONARY SOURCES - EMISSION MONITORING**

**2.1101**

Chapter 62-297, Florida Administrative Code, is adopted and incorporated in this rule by reference as the City's emission monitoring requirements for stationary sources. [History: Effective 1/10/93, Amended 12/19/94, Amended and renumbered 11/12/96, Amended 6/08/98, Amended 11/08/99, Amended 11/10/03, Amended 10/11/04.] Note: The rules covered by this part were previously adopted by reference under former EPB rule section 2.1001.

**PART XII**  
**AIR POLLUTION NUISANCE RULES**

**2.1201 General Standard for Volatile Organic Compounds**

Persons shall use reasonable care to avoid discharging, leaking, spilling, seeping, pouring, or dumping volatile organic compounds or organic solvents. [History: Formerly S.362.206, City Ordinance Code; EPB 2.205 B.2.; Effective 3/18/85; Renumbered 1/10/93, Renumbered 11/12/96]. Note: The rules covered by this part were previously adopted by reference under former EPB rule section 2.1101.

**2.1202 Emissions from Ships and Locomotives**

A. Applicability

This rule applies to the operation of ships and locomotives at all places within the borders of Duval County, Florida.

B. Definitions

1. "Cold boiler light off" - The light off of a steam boiler without the use of steam from an operating shipboard boiler or shore steam, to preheat the boiler furnace and combustion air.
2. "Distillate Fuel" - Liquid fuels distilled, usually from crude petroleum and conforming to the properties of nos. 1 through 4 fuel oils as specified in ASTM D 396-80.
3. "Emergency boiler shut down" - An unscheduled, immediate cessation of boiler operation caused by a failure of the boiler and/or boiler auxiliaries, a fire in the machinery spaces or a similar unforeseeable casualty which all preventable measures could not have eliminated.

C. Prohibited Acts

No person, including owners, ships' captains and engineers, shall cause, let, permit, suffer or allow:

1. Visible emissions from ships or locomotives greater than twenty percent (20%) opacity, except that visible emission as great as forty percent (40%) opacity shall be permissible for no more than two minute in an hour.

2. Operation of any shipboard steam boiler without posting and maintaining in a conspicuous place within plain view of the boiler operators a warning placard as shown in Attachment I.
3. The blowing of steam boiler tubes, economizers, air heaters, stacks or any other boiler components for the purpose of removing accumulated soot while in the port of Jacksonville, except in the event of an emergency threatening life or property.
4. Operation of any steam boiler without having in charge of the engine room an engineer duly licensed by the country of the vessels registry or by the United States Coast Guard. Proof of identity and license of said engineer shall be maintained on-board the vessel and shall be made available for inspection to the Department upon request.
5. Emergency boiler shut-downs, the light off of a cold boiler or boiler pressure relief valve safety test, without giving notice to the Department. In the case of cold boiler light off and boiler pressure relief valve safety tests, notification shall be by telephone and shall be given prior to the test or light off. Notification shall be given by telephone as soon as possible following an emergency boiler shut-down. Each notice required by this part shall include the following information:
  - a. Name of vessel.
  - b. Location of vessel.
  - c. Time of reported event.
  - d. Name of operator in charge of the vessel and of the engine room.
6. A cold boiler light off using any fuel other than distillate fuel.

D. Exemptions

1. Visible emissions caused by an emergency boiler shut-down or by boiler pressure relief valve safety tests shall be exempt from the opacity limits of Section 2.1202 C.1. above, provided that -
  - a. Best operational practices to minimize emissions are adhered to.

- b. The duration of the excess emission shall be minimized, but in no case shall exempted emissions exceed 30 minutes in any 24-hour period, and
  - c. Notification of the emergency boiler shut-down or safety valve test shall have been provided in a timely manner, pursuant to the requirements of Section 2.1202 C.5. above.
2. In the event of a visible emission in excess of the opacity limits of Section 2.1202 C.1. caused by an emergency boiler shut-down or by boiler safety valve tests, a written report shall be submitted within 30 days, if requested by the Department, detailing the exact cause of the excess emission and the operational practices taken to minimize the emission.

E. Equipment Specifications.

In addition to the payment of any fines, penalties or settlements tendered in resolution of said violations, a vessel which is the source of an emission, in violation of Section 2.1202 C., shall be subject to the equipment specifications set forth below. This Section will apply if the violations are admitted or uncontested, or if contested, are found by the Board or by a court of competent jurisdiction to have occurred.

1. Vessels powered by steam boilers and subject to this Section shall be equipped with smoke detectors and alarms which immediately alert engineers on watch in the engine room of any excessive smoke emitted from the ship. Smoke detectors shall, at all times, be calibrated, operated and maintained in accordance with manufacturer's written specifications. The manufacturer's specification, together with written records of all instrument calibrations and maintenance performed, shall be maintained on-board the vessel and shall be made available for inspection to the Department upon request.
2. Smoke detectors and alarms required by this section shall be installed and calibrated as soon as possible, but not later than six months from the date of Citation if uncontested, or if contested, not later than six months from the date of determination by the Board or Court that the violation occurred.
3. Whenever the smoke detector required by this section measures an emission into the atmosphere in excess of forty percent (40%) opacity, notice shall be given by telephone to the Department immediately upon discovery of the excess emission and shall include the following information:

- a. Name of vessel.
- b. Location of vessel.
- c. Time of discovery of excessive emission.
- d. Duration of excessive emission.
- e. Suspected cause of excessive emission.
- f. Corrective action taken to abate the excessive emission.
- g. Name of operator in charge of the vessel and of the engine room.

F. Compliance Test Method

Determinations of the opacity of emissions, pursuant to Section 2.1202 C.1., above, shall be made using United States Environmental Protection Agency Reference Method No.9 (40 Code of Federal Regulation (CFR) 60, Appendix A). Only determinations made by qualified observers trained and certified in accordance with Reference Method No.9 shall be used to enforce the opacity limits.

G. Penalties and Injunctive Relief

Violations of this rule shall be punishable by civil penalties specified in Section 362.110, Ordinance Code and to injunctive relief as provided in Section 360.407, Ordinance Code.

H. Enforcement

This rule shall be enforced by the Department in accordance with the provisions of Chapter 360 and 362, Ordinance Code.

I. Air Pollution Nuisance Prohibited

Nothing in this rule shall in any manner be construed as authorizing or legalizing the creation or maintenance of an air pollution nuisance, as defined in Environmental Protection Board Rule 2.1203. A violation of this rule does not, in and of itself, constitute an air pollution nuisance, as defined in Board Rule 2.1203.

J. Effective Date

This rule shall become effective twenty days following adoption by the Board and filing with the Council Secretary. [History: Formerly S 362.208, City Ordinance Code; EPB 2.206; Effective 7/9/90; Amended and renumbered 1/10/93, Amended and renumbered 11/12/96, Amended 9/11/00] Note: The rules covered by this part were previously adopted by reference under former EPB rule section 2.1102.

**2.1203 Air Pollution Nuisances**

A. Preamble

An Environmental Protection Board rule; developed pursuant to the rule making powers of the Board as defined in Section 360.108, Ordinance Code; prohibiting the creation of public air pollution nuisances that would adversely affect human welfare or cause damage to property or unreasonably interfere with the enjoyment of life or property or the conduct of business; providing procedures for notification to the source in the event of occurrence of a nuisance; and defining the elements of property damage.

B. Air Pollution Nuisance Defined

1. The term "air pollution nuisance" shall mean the presence in the atmosphere, from any source or sources whatever, of any air contaminant, including but not limited to smoke, ashes, dust, dirt, grime, soot, acids, fumes, gases, vapors, abrasive blasting grit, paint, or any other substance or combination of substances, in such amounts as to adversely affect human welfare; or cause harm or damage to property or unreasonably interfere with the enjoyment of life or property or the conduct of business.

In order for the Board to abate a nuisance under this section, the nuisance must be a public nuisance, as opposed to a private nuisance, although a nuisance may be both public and private. A public nuisance affects rights common to the whole community or a considerable number of persons and not merely some particular person. After the Department has received and validated citizen complaints from ten or more persons who do not live in the same household within a one year period or less, each alleging an adverse affect to that person's human welfare or damage to his own property, or unreasonable interference with enjoyment of life or property or the conduct of business, the source responsible shall be deemed a public nuisance. In addition, and irrespective of the number or frequency of complaints, damage to property or unreasonable interference with the enjoyment of life or property or the conduct of business which occurs in or on any public way or place, including but not limited to parks, playgrounds, recreational area, schools, street, highways, bodies of water, or any publicly owned land or buildings, shall be deemed a public nuisance.

2. For the purpose of this rule, source means any stationary point source as defined in Section 62-210.200, FAC, any unconfined or area source and any mobile source, including but not limited to automobiles, trucks, buses, locomotives and ships.

C. Exceptions

1. Objectionable odors are not included under this section.
2. In the case of a permitted source of air pollution equipped with continuous emission monitors (CEMs) which measure the air pollutant alleged to have caused the nuisance and which meet applicable Federal performance specifications for continuous emissions monitors, the submission of CEM data showing compliance with applicable emission limiting standards during the time of the air pollution nuisance shall constitute prima facie evidence of no violation of the provisions of this rule.

D. Elements of property damage

Pursuant to this rule, property damage shall include, but is not limited to the deposition, impaction, settling or condensation of an air pollution nuisance, as defined in Section B on any property at any point beyond the property limits of the premises occupied or used by the person responsible for the emission into the atmosphere of the air pollution nuisance as defined in Section B, so as to cause:

1. Excessive corrosion of metal surfaces as demonstrated by comparison with similar surfaces in the general area or other portions of the same structures.
2. Etching or discoloration of surface coatings.
3. Soiling in amounts which necessitate additional cleaning of property not otherwise required or refinishing of coated or polished surfaces.
4. Discoloration or soiling over and above normal wear and tear resulting from the tracking of deposited material onto carpets or other types of finished floor covering which necessitate cleaning not otherwise required.
5. Impaction of paint droplets or other coating materials onto surfaces.

E. Air Pollution Nuisance Prohibited

No person who owns or operates a source which emits air contaminants as defined in Section B shall cause, suffer, allow or permit the emission or escape into the atmosphere of an air pollution nuisance, as defined in Section B: and nothing in this rule shall, in any manner be construed as authorizing or legalizing the creation or maintenance of an air pollution nuisance, as defined in Section B.

F. Civil Penalties and Injunctive Relief

Persons who cause an air pollution nuisance, as defined in Section B shall be subject to civil penalties specified in Section 362.110, Ordinance Code; as well as to injunctive relief as specified in Section 360.407, Ordinance Code.

G. Source Notification Procedures

The Department shall make all reasonable attempts to notify the owner or operator of the source alleged to be causing a nuisance not later than the next business day after the Department has initially identified the source as the suspected cause of the complaint. [History: Formerly EPB 2.211; Effective December 1985; Amended and renumbered 1/10/93, Amended 12/19/94, Amended and renumbered 11/12/96] Note: The rules covered by this part were previously adopted by reference under former EPB rule section 2.1103.

NOTICE TO SHIPS  
WHILE IN THE PORT OF JACKSONVILLE

## EXCESSIVE SMOKE

The Jacksonville Ordinance Code prohibits the emission into the air of visible smoke greater than 20 percent (20%) opacity, except that a visible emission as great as 40 percent (40%) opacity shall be permissible for not more than two minutes in any hour.

Soot blowing except in an emergency threatening life or property, is prohibited.

Violation of these and all other applicable rules of the City of Jacksonville are punishable by fines of up to \$10,000 per day, for each separate offense.

To report cold boiler lightoffs, emergency boiler shutdown, boiler safety testing or excess emission call

630-4900

**PART XIII  
PERMITS -GENERAL PROVISIONS**

**2.1301 Air Pollution Source Permits**

Chapter 62-4, Florida Administrative Code, is adopted and incorporated into this rule by reference as the City's air pollution source permitting requirements. [History: New, Effective 12/19/94, Amended 9/11/95, Amended and Renumbered 11/12/96, Amended 11/08/99, Amended 08/13/01] Note: The rules covered by this part were previously adopted by reference under former EPB rule section 2.1201.

**2.1302 Air Pollution Source Permit Hearings and Public Notice Requirements**

Section 120.57, Florida Statutes, and Rules 62-110.106, 28-106.110, 28-106.201, and 28-106.301, Florida Administrative Code are adopted by reference as the Board requirements for hearings and public notice in conjunction with air pollution permitting. [History: New, Effective 12/19/94, Amended and Renumbered 9/11/95, Amended and Renumbered 11/12/96, Amended 11/8/99]. Note: The rules covered by this part were previously adopted by reference under former EPB rule section 2.1204.

**DONE AND ORDERED** This \_\_\_\_ day of \_\_\_\_\_, 2006, at the regular meeting of the Environmental Protection Board, City of Jacksonville.

**ENVIRONMENTAL PROTECTION BOARD**

**BY:** \_\_\_\_\_  
**TODD L. SACK, M.D.**  
**CHAIRMAN**